

Senate File 452

S-3188

- 1 Amend Senate File 452 as follows:
- 2 1. Page 1, after line 31 by inserting:
- 3 <If the total approved claims for reimbursement for
- 4 nonpublic school pupil transportation exceed the amount
- 5 appropriated in accordance with this subsection, the
- 6 department of education shall prorate the amount of
- 7 each approved claim.>
- 8 2. Page 2, by striking lines 7 through 15.
- 9 3. Page 2, after line 18 by inserting:
- 10 <If the total approved claims for reimbursement for
- 11 nonpublic school pupil transportation exceed the amount
- 12 appropriated in accordance with this subsection, the
- 13 department of education shall prorate the amount of
- 14 each approved claim.>
- 15 4. Page 3, by striking lines 6 and 7 and inserting
- 16 <appropriated from the general fund of the state to the
- 17 department of human rights for the fiscal>
- 18 5. Page 3, by striking lines 11 and 12 and
- 19 inserting:
- 20 <For deposit in the individual development account
- 21 state match fund created in section 541A.7 to support
- 22 the operating organization providing individual
- 23 development accounts in Iowa:>
- 24 6. Page 4, after line 4 by inserting:
- 25 <Sec. \_\_\_\_\_. GOVERNOR AND LIEUTENANT GOVERNOR — FTE
- 26 AUTHORIZATION. For purposes of the offices of the
- 27 governor and lieutenant governor, there is authorized
- 28 an additional 3.00 full-time equivalent positions above
- 29 those otherwise authorized pursuant to 2013 Iowa Acts,
- 30 House File 603, if enacted.>
- 31 7. Page 4, line 16, after <95,000> by inserting <as
- 32 of the last preceding certified federal census>
- 33 8. Page 4, by striking lines 17 through 25.
- 34 9. Page 5, by striking line 2 and inserting
- 35 <economic development>
- 36 10. Page 5, after line 5 by inserting:
- 37 <Sec. \_\_\_\_\_. Section 135C.7, Code 2013, is amended by
- 38 adding the following new unnumbered paragraph:
- 39 NEW UNNUMBERED PARAGRAPH. In addition to the
- 40 license fees listed in this section, there shall be
- 41 an annual assessment assessed to each licensee in an
- 42 amount to cover the cost of independent reviewers
- 43 provided pursuant to section 135C.42. The department
- 44 shall, in consultation with licensees, establish
- 45 the assessment amount by rule based on the award of
- 46 a request for proposals. The assessment shall be
- 47 retained by the department as a repayment receipt as
- 48 defined in section 8.2 and used for the purpose of
- 49 paying the cost of the independent reviewers.>
- 50 11. Page 5, by striking line 23 and inserting

1 <if 2013 Iowa Acts, House File 620, striking section  
2 99F.11, subsection 3, paragraph d, subparagraph (3),  
3 is enacted.>  
4 12. Page 17, by striking line 30 and inserting  
5 <(5).>  
6 13. Page 25, after line 16 by inserting:  
7                   <DIVISION \_\_\_\_\_  
8                   IGNITION INTERLOCK  
9       Sec. \_\_\_\_\_. Section 321J.20, subsections 1 and 2,  
10 Code 2013, are amended to read as follows:  
11       1. a. The department may, on application, issue  
12 a temporary restricted license to a person whose  
13 noncommercial driver's license is revoked under this  
14 chapter allowing the person to drive to and from the  
15 person's home and specified places at specified times  
16 which can be verified by the department and which are  
17 required by the any of the following:  
18       (1) The person's full-time or part-time  
19 employment.  
20       (2) The person's continuing health care or the  
21 continuing health care of another who is dependent upon  
22 the person.  
23       (3) The person's continuing education while  
24 enrolled in an educational institution on a part-time  
25 or full-time basis and while pursuing a course of study  
26 leading to a diploma, degree, or other certification of  
27 successful educational completion.  
28       (4) The person's substance abuse treatment, and to  
29 attend groups whose purpose is to eliminate or reduce  
30 alcohol or other drug use.  
31       (5) The person's court-ordered community service  
32 responsibilities, and appointments.  
33       (6) Appointments with the person's parole or  
34 probation officer.  
35       (7) Transport of the person's dependent minor child  
36 to and from school when public school transportation is  
37 not available for the child.  
38       (8) Transport of the person's dependent minor child  
39 to and from child care when necessary for the person's  
40 full-time or part-time employment.  
41       b. The department may also issue a temporary  
42 restricted license under this subsection that allows  
43 the person to drive for work purposes within the scope  
44 of the person's full-time or part-time employment.  
45 Any vehicle operated within the scope of the person's  
46 full-time or part-time employment must be equipped  
47 at all times with an ignition interlock device of a  
48 type approved by the commissioner of public safety,  
49 notwithstanding any provision of section 321J.4,  
50 321J.9, or 321J.12 to the contrary.

1 c. The department may issue a temporary restricted  
2 license under this subsection only if the person's  
3 driver's license has not been revoked previously under  
4 section 321J.4, 321J.9, or 321J.12 and if any of the  
5 following apply:

6 (1) The person's noncommercial driver's license is  
7 revoked under section 321J.4 and the minimum period of  
8 ineligibility for issuance of a temporary restricted  
9 license has expired. This subsection shall not apply  
10 to a revocation ordered under section 321J.4 resulting  
11 from a plea or verdict of guilty of a violation of  
12 section 321J.2 that involved a death.

13 (2) The person's noncommercial driver's license is  
14 revoked under section 321J.9 and the person has entered  
15 a plea of guilty on a charge of a violation of section  
16 321J.2 which arose from the same set of circumstances  
17 which resulted in the person's driver's license  
18 revocation under section 321J.9 and the guilty plea  
19 is not withdrawn at the time of or after application  
20 for the temporary restricted license, and the minimum  
21 period of ineligibility for issuance of a temporary  
22 restricted license has expired.

23 (3) The person's noncommercial driver's license is  
24 revoked under section 321J.12, and the minimum period  
25 of ineligibility for issuance of a temporary restricted  
26 license has expired.

27 ~~b.~~ d. A temporary restricted license may  
28 be issued under this subsection if the person's  
29 noncommercial driver's license is revoked for two years  
30 under section 321J.4, subsection 2, or section 321J.9,  
31 subsection 1, paragraph "b", and the first three  
32 hundred sixty-five days of the revocation have expired.

33 ~~e.~~ e. This subsection does not apply to a person  
34 whose license was revoked under section 321J.2A or  
35 section 321J.4, subsection 4 or 6, or to a person whose  
36 license is suspended or revoked for another reason.

37 ~~d.~~ f. Following the applicable minimum period  
38 of ineligibility, a temporary restricted license  
39 under this subsection shall not be issued until the  
40 applicant installs an ignition interlock device of a  
41 type approved by the commissioner of public safety on  
42 all motor vehicles owned or operated by the applicant  
43 in accordance with section 321J.2, 321J.4, 321J.9,  
44 or 321J.12, or this subsection. Installation of an  
45 ignition interlock device under this subsection shall  
46 be required for the period of time for which the  
47 temporary restricted license is issued and for such  
48 additional period of time following reinstatement as is  
49 required under section 321J.17, subsection 3.

50 2. a. Notwithstanding section 321.560, the

1 department may, on application, and upon the expiration  
2 of the minimum period of ineligibility for a temporary  
3 restricted license provided for under section  
4 321.560, 321J.4, 321J.9, or 321J.12, issue a temporary  
5 restricted license to a person whose noncommercial  
6 driver's license has either been revoked under this  
7 chapter, or revoked or suspended under chapter 321  
8 solely for violations of this chapter, or who has been  
9 determined to be a habitual offender under chapter  
10 321 based solely on violations of this chapter or on  
11 violations listed in section 321.560, subsection 1,  
12 paragraph "b", and who is not eligible for a temporary  
13 restricted license under subsection 1. However, the  
14 department may not issue a temporary restricted license  
15 under this subsection for a violation of section  
16 321J.2A or to a person under the age of twenty-one  
17 whose license is revoked under section 321J.4, 321J.9,  
18 or 321J.12. A

19 (1) If the person has no more than one previous  
20 revocation under this chapter, a temporary restricted  
21 license issued under this subsection may allow the  
22 person to drive to and from the person's home and  
23 specified places at specified times which can be  
24 verified by the department and which are required by  
25 any of the following:

26 (a) The person's full-time or part-time employment.

27 (b) The person's continuing health care or the  
28 continuing health care of another who is dependent upon  
29 the person.

30 (c) The person's continuing education while  
31 enrolled in an educational institution on a part-time  
32 or full-time basis and while pursuing a course of study  
33 leading to a diploma, degree, or other certification of  
34 successful educational completion.

35 (d) The person's substance abuse treatment and to  
36 attend groups whose purpose is to eliminate or reduce  
37 alcohol or other drug use.

38 (e) The person's court-ordered community service  
39 responsibilities.

40 (f) Appointments with the person's parole or  
41 probation officer.

42 (g) Transport of the person's dependent minor child  
43 to and from child care when necessary for the person's  
44 full-time or part-time employment.

45 (2) If the person has more than one previous  
46 revocation under this chapter, a temporary restricted  
47 license issued under this subsection may allow the  
48 person to drive to and from the person's home and  
49 specified places at specified times which can be  
50 verified by the department and which are required by

1 ~~the~~ any of the following:

2 (a) The person's full-time or part-time  
3 employment.

4 (b) The person's continuing education while  
5 enrolled in an educational institution on a part-time  
6 or full-time basis and while pursuing a course of study  
7 leading to a diploma, degree, or other certification of  
8 successful educational completion, ~~or.~~

9 (c) The person's substance abuse treatment and to  
10 attend groups whose purpose is to eliminate or reduce  
11 alcohol or other drug use.

12 DIVISION \_\_\_\_\_

13 NOTARY PUBLIC

14 Sec. \_\_\_\_\_. Section 321I.31, subsection 3, Code 2013,  
15 is amended to read as follows:

16 3. An owner of an all-terrain vehicle shall apply  
17 to the county recorder for issuance of a certificate  
18 of title within thirty days after acquisition.  
19 The application shall be on forms the department  
20 prescribes and accompanied by the required fee. The  
21 application shall be signed and sworn to before a  
22 ~~notary public~~ notarial officer as provided in chapter  
23 9B or other person who administers oaths, or shall  
24 include a certification signed in writing containing  
25 substantially the representation that statements made  
26 are true and correct to the best of the applicant's  
27 knowledge, information, and belief, under penalty of  
28 perjury. The application shall contain the date of  
29 sale and gross price of the all-terrain vehicle or  
30 the fair market value if no sale immediately preceded  
31 the transfer and any additional information the  
32 department requires. If the application is made for  
33 an all-terrain vehicle last previously registered  
34 or titled in another state or foreign country, the  
35 application shall contain this information and any  
36 other information the department requires.

37 Sec. \_\_\_\_\_. Section 462A.77, subsection 4, Code 2013,  
38 is amended to read as follows:

39 4. Every owner of a vessel subject to titling  
40 under this chapter shall apply to the county recorder  
41 for issuance of a certificate of title for the vessel  
42 within thirty days after acquisition. The application  
43 shall be on forms the department prescribes, and  
44 accompanied by the required fee. The application shall  
45 be signed and sworn to before a ~~notary public~~ notarial  
46 officer as provided in chapter 9B or other person who  
47 administers oaths, or shall include a certification  
48 signed in writing containing substantially the  
49 representation that statements made are true and  
50 correct to the best of the applicant's knowledge,

1 information, and belief, under penalty of perjury.  
2 The application shall contain the date of sale and  
3 gross price of the vessel or the fair market value  
4 if no sale immediately preceded the transfer, and any  
5 additional information the department requires. If  
6 the application is made for a vessel last previously  
7 registered or titled in another state or foreign  
8 country, it shall contain this information and any  
9 other information the department requires.

10 Sec. \_\_\_\_\_. Section 554.3505, subsection 2, Code  
11 2013, is amended to read as follows:

12 2. A protest is a certificate of dishonor made by a  
13 United States consul or vice consul, or a ~~notary public~~  
14 notarial officer as provided in chapter 9B or other  
15 person authorized to administer oaths by the law of  
16 the place where dishonor occurs. It may be made upon  
17 information satisfactory to that person. The protest  
18 must identify the instrument and certify either that  
19 presentment has been made or, if not made, the reason  
20 why it was not made, and that the instrument has been  
21 dishonored by nonacceptance or nonpayment. The protest  
22 may also certify that notice of dishonor has been given  
23 to some or all parties.

24 Sec. \_\_\_\_\_. Section 622.86, Code 2013, is amended to  
25 read as follows:

26 **622.86 Foreign affidavits.**

27 Those taken out of the state before any judge or  
28 clerk of a court of record, or before a ~~notary public~~  
29 notarial officer as provided in chapter 9B, or a  
30 commissioner appointed by the governor of this state to  
31 take acknowledgment of deeds in the state where such  
32 affidavit is taken, are of the same credibility as if  
33 taken within the state.

34 **DIVISION \_\_\_\_\_**

35 **CORN PROMOTION BOARD**

36 Sec. \_\_\_\_\_. Section 185C.1, Code 2013, is amended by  
37 adding the following new subsection:

38 **NEW SUBSECTION. 4A.** "*Director*" means a district  
39 elected director or a board elected director as  
40 provided in section 185C.6.

41 Sec. \_\_\_\_\_. Section 185C.1, subsection 5, Code 2013,  
42 is amended to read as follows:

43 5. "*District*" means an official crop reporting  
44 district formed by the United States department of  
45 agriculture for use on January 1, 2013, and set out in  
46 the annual farm census published in that year by the  
47 Iowa department of agriculture and land stewardship.

48 Sec. \_\_\_\_\_. Section 185C.3, Code 2013, is amended to  
49 read as follows:

50 **185C.3 Establishment of corn promotion board.**

1 If a majority of the producers voting in the  
2 referendum election approve the passage of the  
3 promotional order, an Iowa corn promotion board shall  
4 be established. ~~The board shall consist of one~~  
5 ~~director elected from each district in the state,~~  
6 ~~except that a district producing more than an average~~  
7 ~~of one hundred million bushels of corn in the three~~  
8 ~~previous marketing years is entitled to two directors.~~

9 Sec. \_\_\_\_\_. Section 185C.6, Code 2013, is amended by  
10 striking the section and inserting in lieu thereof the  
11 following:

12 **185C.6 Number and election of directors.**

13 The Iowa corn promotion board established pursuant  
14 to section 185C.3 shall be composed of directors  
15 elected as provided in this chapter. The directors  
16 shall include all of the following:

17 1. Nine district elected directors. Each such  
18 director shall be elected from a district as provided  
19 in section 185C.5, this section, and sections 185C.7  
20 and 185C.8. A candidate receiving the highest number  
21 of votes in each district shall be elected to represent  
22 that district.

23 2. Three board elected directors. Each such  
24 director shall be elected by the board. The candidate  
25 receiving the highest number of votes by the board  
26 shall be elected to represent the state on at-large  
27 basis.

28 Sec. \_\_\_\_\_. Section 185C.7, Code 2013, is amended to  
29 read as follows:

30 **185C.7 Terms of directors.**

31 1. Director terms A director's term of office shall  
32 be for three years ~~and no.~~ A district elected director  
33 ~~of the board shall not serve for more than three~~  
34 ~~complete consecutive terms. A board elected director~~  
35 ~~shall not serve for more than one complete term of~~  
36 ~~office. A district elected director who is elected~~  
37 ~~as board elected director shall not serve more than a~~  
38 ~~total of four terms of office, regardless of whether~~  
39 ~~any of the terms of office are complete or consecutive.~~

40 2. If the board is reconstituted pursuant to  
41 section 185C.8, the terms of the directors shall be  
42 controlled by this section. However, the initial terms  
43 of the reconstituted board shall be staggered. To the  
44 extent practicable, one-third of the elected directors  
45 shall serve an initial term of one year, one-third of  
46 the elected directors shall serve an initial term of  
47 two years, and one-third of the elected directors shall  
48 serve an initial term of three years. The initial  
49 terms of board elected directors shall be determined  
50 by board members directors drawing lots. ~~The board~~

~~1 elected under this paragraph shall not contain two~~  
~~2 directors from the same district serving the same term.~~

3 Sec. \_\_\_\_\_. Section 185C.8, Code 2013, is amended to  
4 read as follows:

5 **185C.8 Elections Administration of elections for**  
6 **directors.**

7 1. The Iowa corn promotion board shall administer  
8 elections for district elected directors of the board  
9 with the assistance of the secretary. Prior to the  
10 expiration of a director's term of office, the board  
11 shall appoint a nominating committee for the district  
12 represented by that director. The nominating committee  
13 shall consist of five producers who are residents of  
14 the district from which a director must be elected.

15 The nominating committee shall nominate two resident  
16 producers as candidates for each director position for  
17 which an election is to be held. Additional candidates  
18 may be nominated by a written petition of twenty-five  
19 producers. Procedures governing the time and place of  
20 filing shall be adopted and publicized by the board.

21 Following recommencement of the promotional order,  
22 or termination of the promotional order's suspension  
23 as provided in section 185C.24, the secretary shall  
24 order the reconstitution of the board. An election of  
25 district elected directors shall be held within thirty  
26 days from the date of the order. The secretary shall  
27 call for, provide for notice of, conduct, and certify  
28 the results of the election in a manner consistent  
29 with section 185C.5 through 185C.7. Directors shall  
30 serve terms as provided in section 185C.7. Rules  
31 or procedures adopted by the board and in effect at  
32 the date of suspension shall continue in effect upon  
33 reconstitution of the board. The Iowa corn growers  
34 association may nominate two resident producers as  
35 candidates for each director position. Additional  
36 candidates may be nominated by a written petition of at  
37 least twenty-five producers.

38 2. The Iowa corn promotion board shall administer  
39 elections for board elected directors. Prior to  
40 the expiration of a board elected director's term of  
41 office, the board may appoint a nominating committee.  
42 In order to be eligible for nomination and election,  
43 a candidate must have previously served on the board  
44 as an elected director. An officer of the board shall  
45 certify the results of the election.

46 Sec. \_\_\_\_\_. Section 185C.10, subsection 3, Code 2013,  
47 is amended by striking the subsection.

48 Sec. \_\_\_\_\_. Section 185C.14, subsection 3, Code 2013,  
49 is amended to read as follows:

50 3. The board shall meet at least ~~once every~~ three

1 ~~months~~ times each year, and at such other times as  
2 deemed necessary by the board.

3 Sec. \_\_\_\_\_. Section 185C.21, subsection 2, Code 2013,  
4 is amended to read as follows:

5 2. Upon request of the board, the secretary shall  
6 call a special referendum for producers to vote  
7 on whether to authorize an increase in the state  
8 assessment above one-quarter of one cent per bushel,  
9 notwithstanding subsection 1. The special referendum  
10 shall be conducted as provided in this chapter for  
11 referendum elections. However, the special referendum  
12 shall not affect the existence or length of the  
13 promotional order in effect. If a majority of the  
14 producers voting in the special referendum approve  
15 the increase, the board may increase the assessment  
16 to the amount approved in the special referendum.  
17 However, a state assessment shall not exceed ~~one cent~~  
18 per a scheduled amount assessed on each bushel of corn  
19 marketed in this state determined as follows:

20 a. Until September 1, 2013, one cent.

21 b. For each marketing year of the period beginning  
22 September 1, 2013, and ending August 31, 2018, two  
23 cents.

24 c. For each marketing year of the period beginning  
25 September 1, 2018, and ending August 31, 2023, three  
26 cents.

27 d. For each marketing year of the period beginning  
28 September 1, 2023, and ending August 31, 2028, four  
29 cents.

30 e. For each marketing year beginning on and after  
31 September 1, 2028, five cents.

32 Sec. \_\_\_\_\_. Section 185C.27, Code 2013, is amended to  
33 read as follows:

34 **185C.27 Refund of assessment.**

35 A producer who has sold corn and had a state  
36 assessment deducted from the sale price, by application  
37 in writing to the board, may secure a refund in the  
38 amount deducted. The refund shall be payable only  
39 when the application shall have been made to the board  
40 within sixty days after the deduction. Application  
41 forms shall be given by the board to each first  
42 purchaser when requested and the first purchaser  
43 shall make the applications available to any producer.  
44 Each application for refund by a producer shall have  
45 attached to the application proof of the assessment  
46 deducted. The proof of assessment may be in the  
47 form of a duplicate or certified copy of the purchase  
48 invoice by the first purchaser. The board shall have  
49 thirty business days from the date the application  
50 for refund is received to remit the refund to the

1 producer. The board may provide for refunds of a  
2 federal assessment as provided by federal law. Unless  
3 inconsistent with federal law, refunds shall be made  
4 under section 185C.26.

5 Sec. \_\_\_\_\_. IMPLEMENTATION. The Iowa corn promotion  
6 board established pursuant to section 185C.3 shall  
7 implement this Act.

8 1. During the implementation period all of the  
9 following shall apply:

10 a. The board shall provide for staggered terms  
11 of directors in the same manner as required for the  
12 initial terms of office of a reconstituted board  
13 pursuant to section 185C.7. However, the board is not  
14 required to draw lots as otherwise provided in that  
15 section.

16 b. The board is not required to fill a vacancy for  
17 an unexpired term as required in section 185C.9.

18 c. The board may reduce the number of years of a  
19 director's term in order to comply with this section.

20 2. The board shall complete implementation of this  
21 Act not later than July 1, 2014.

22 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This Act,  
23 being deemed of immediate importance, takes effect upon  
24 enactment.

#### 25 DIVISION \_\_\_\_\_

#### 26 APPORTIONMENT OF TRANSPORTATION FUNDS — APPROPRIATION

27 Sec. \_\_\_\_\_. Section 312.3, subsection 2, Code 2013,  
28 is amended by adding the following new paragraph:

29 NEW PARAGRAPH. *d.* For purposes of apportioning  
30 among the cities of the state the percentage of  
31 the road use tax fund to be credited to the street  
32 construction fund of the cities for each month  
33 beginning April 2011 and ending March 2021 pursuant to  
34 this subsection, the population of each city shall be  
35 determined by the greater of the population of the city  
36 as of the last preceding certified federal census or  
37 as of the April 1, 2010, population estimates base as  
38 determined by the United States census bureau.

#### 39 Sec. \_\_\_\_\_. STREET CONSTRUCTION FUND — 40 APPROPRIATION.

41 1. In a written application to the treasurer of  
42 state submitted by October 1, 2013, a city may request  
43 an additional distribution of moneys to be credited  
44 to the street construction fund of the city equal to  
45 that additional amount, calculated by the treasurer,  
46 that the city would have received if the funds were  
47 apportioned based upon the population of the city as  
48 determined by section 312.3, subsection 2, paragraph  
49 "d", as enacted in this division of this Act, for the  
50 months prior to the effective date of this division of

1 this Act.

2     2. Upon determination by the treasurer of state  
3 that an additional amount should be credited to a city  
4 as provided by this section, there is appropriated from  
5 the general fund of the state to the department of  
6 transportation, for the fiscal year beginning July 1,  
7 2013, and ending June 30, 2014, an amount sufficient to  
8 pay the additional amount which shall be distributed to  
9 the city for deposit in the street construction fund  
10 of the city.

11     Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
12 of this Act, being deemed of immediate importance,  
13 takes effect upon enactment.

14     Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. This division  
15 of this Act applies retroactively to April 2011.>

16     14. By renumbering as necessary.

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ROBERT E. DVORSKY